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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/004,954	12/03/2001	Jan Weber	10177-102	8254
20583	7590	08/07/2006	EXAMINER	
JONES DAY 222 EAST 41ST ST NEW YORK, NY 10017			BUI, VY Q	
			ART UNIT	PAPER NUMBER
			3734	

DATE MAILED: 08/07/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/004,954	WEBER, JAN	
	Examiner	Art Unit	
	Vy Q. Bui	3734	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 12 May 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 30-35 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 30-35 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 30-31 are rejected under 35 U.S.C. 102(e) as being anticipated by Daniel et al. – 6,171,327.

Daniel-'327 (Fig. 1; col. 4, lines 50-60, for example) discloses a medical device/filter 21 including membrane 22 having various coatings to impart various functional performance and apertures 23 cut by laser ablation.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

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1. Claims 30-35 are rejected under 35 U.S.C. 103(a) as being unpatentable over RAGHEB et al.-6,096,070 in view of Daniel et al. -6,171,327.

As to claims 30-32 and 35, RAGHEB-'070 (Fig. 1) discloses a medical device such as a stent 12 having a first bioactive coating layer 18 on the outside/first surface of stent 12 and inside/second surface of stent 12 substantially free of a coating. As to claims 33-34, RAGHEB-'070 (Fig. 1; claim 15) discloses second bioactive material in coating layer 20 covering inside/second surface of stent 12. RAGHEB-'070 (col. 20, line 8-9) discloses only part of the stent 12 needed to be coated but does not explicitly disclose cutting through a coated portion. However, Daniel-'327 (Fig. 1, col. 4, lines 50-60) discloses cutting apertures 23 through membrane 22 with laser ablation. It would have been obvious to one of ordinary skill in the art at the time of the invention to cut a coated Ragheb-'070 stent as recited in the claims, for this manufacturing process is suitable to provide through apertures in a medical device as taught by Daniel-'327.

2. Claims 30-35 are rejected under 35 U.S.C. 103(a) as being unpatentable over RAGHEB et al.-6,096,070 in view of Dang -6,471, 721.

As to claims 30-32 and 35, RAGHEB-'070 (Fig. 1) discloses a medical device such as a stent 12 having a first bioactive coating layer 18 on the outside/first surface of stent 12 and inside/second surface of stent 12 substantially free of a coating. As to claims 33-34, RAGHEB-'070 (Fig. 1; claim 15) discloses second bioactive material in coating layer 20 covering inside/second surface of stent 12. RAGHEB-'070 (col. 20, line 8-9) discloses only part of the stent 12 needed to be coated but does not explicitly disclose cutting through a coated portion. However, Dang-'721 (Fig. 4; col. 6, lines 25-30) discloses stent 10 being made by laser cutting

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through stent body material including coating 14. It would have been obvious to one of ordinary skill in the art at the time of the invention to cut a coated Ragheb-'070 stent as recited in the claims, for this manufacturing process is well-known to produce a stent having stent struts with sides having no coating and being substantially perpendicular to the outer and inner surfaces of the stent (Fig. 5, Dang-'721).

Response to Arguments

Applicant's arguments with respect to claims 30-35 have been considered but are moot in view of the above new ground(s) of rejection.

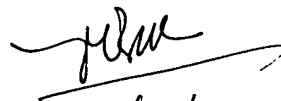
Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Vy Q. Bui whose telephone number is 571-272-4692. The examiner can normally be reached on Monday-Tuesday and Thursday-Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael Hayes can be reached on 571-272-4959. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


08/05/2006

Vy Q. Bui
Primary Examiner
Art Unit 3734